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TOM LYTHGOE, CHAIR

KEN WEBER

DAVE KIRSCH

**PROCEEDING OF THE BOARD OF COMMISSIONERS
COUNTY OF JEFFERSON, STATE OF MONTANA
July 7, 2009**

Present: Commissioners Lythgoe, Weber, and Kirsch; Tara Mastel and Tom Harrington, JLDC; Joe Carter, Jefferson Co. Road/Solid Waste Supervisor; Harold Stepper and Mike Hoffman, Jefferson Co. Planning Dept.; Larry Olesky, Gary Runchel, Ralph Dixon, Tim Bury, Glenn Blalock, Bob Marks

CORRESPONDENCE

Commissioner Lythgoe read aloud from the formal award of the SFY 2010 Dept. of Homeland Security Emergency Management Performance Grant. The funding breakdown of this award was \$29,775.00 from the Federal Fund, \$10,756.00 of local funds, and \$19,019.00 of in-kind match. He explained that this is a grant that we receive every year, and required the signature of the Commission Chair only. Commissioner Weber made a motion that Commissioner Lythgoe as Commission Chair sign the Dept. of Military Affairs Disaster and Emergency Services Division of the State of Montana Grant and that Sally Buckles, as Emergency Services Manager also sign the document. Commissioner Kirsch seconded. The motion carried. Commissioner Lythgoe signed the document.

Commissioner Lythgoe then introduced Task Order #41 from Great West Engineering for the sidewalks around the Commission Office in the amount not to exceed \$5,000.00. Commissioner Weber made a motion for Commissioner Lythgoe as Commission Chair to sign Task Order #41. Commissioner Lythgoe seconded. The motion carried. Commissioner Lythgoe signed the document.

Commissioner Lythgoe then introduced Task Order # 42 from Great West for the Clancy Waistwater Preliminary Engineering Report in the amount not to exceed \$45,000.00. He explained that the county has received money from a couple grants as relates to this particular project. Commissioner Weber made a motion that Commissioner Lythgoe as Commission Chair sign Task Order #42. Commissioner Kirsch seconded. The motion carried. Commissioner Lythgoe signed the document.

Commissioner Lythgoe then introduced Task Order #43 from Great West for Jefferson Hills/MT City Commercial Dist. Wastewater Preliminary Engineering Report in the amount of \$30,000.00, which had also received additional grant funding. Commissioner Weber made a motion that Commissioner Lythgoe as Commission Chair sign Task Order #42. Commissioner Kirsch seconded. The motion carried. Commissioner Lythgoe signed the document.

Commissioner Weber introduce correspondence from Tom Harrington, JLDC, that included information affecting the HB645 Grant Contract that would be addressed later in the Commission Agenda. The communication included HB645 requirements as it relates to the water/sewer project at the S. Campus location. Commissioner Weber then read aloud those requirements. He then explained this is the final information regarding the project as to time line, and the budget, and along with the Commission Chair name and title to receive the contract application to sign, which can be done electronically. There was discussion as to who was responsible for what amongst the participants in this project. Commissioner Weber explained that the County would be going ahead with the project because they have it planned and financed. As the other responsible participants reach necessary agreements with the city of Boulder over responsibility for maintenance and come aboard they would be added to the project as addendums to the first part. Tom Harrington then addressed the Board clarifying issues of County responsibility as lead agency in regards to accountability of reporting requirements and quarterly reports, and further explaining the participation of Riverside, Elkhorn, JLDC, MDC, and the MDT Shop. It was established then that the County and the Grant are paying for the County's portion of this project, and part of the Elkhorn Treatment Center is the County's portion and so on. It was established that the additional County contribution would be somewhere around \$115,000.00. It was decided that the matter of discussing and deciding where the matching funds would be coming from would be agendaized two weeks out.

CALENDAR REVIEW

7/7/09	4:PM Meeting with Rod Caldwell - Commission Office
9/9/09	9:00AM Meeting - Fire Regulations - Commission Office
	Tri Co. Fire
	1:30PM DOR Conference Call
	3:00PM Elkhorn Working Group
	4:00PM Zoning Meeting
	6:30PM Library Board - Boulder
9/13/09	9:00AM Siting for Veteran's Home - Commission Office
9/15/09	1:00PM Meeting with interim B-D Ranger - David Neely - Commission Office
9/16/09	3:00PM Boulder Housing
	RMDC
	6:00PM Clancy Library Subcommittee - Clancy

COMMISSION REPORTS

Commissioner Kirsch reported on the Monday July 16th Veterans Home Siting meeting at the Commission Office. He said there was input from Ken and Sue Vivrette, and Maren Olsen, Senator Testers Rep. He said they were basically just doing some ground work before the first meeting of the Governor's Veteran's Home Siting Committee, that would set the parameters for Jefferson County's proposal.

SUBDIVISION REVIEW

FINAL PLAT REVIEW - COUNTRY MEADOW ESTATES A.K.A. BLALOCK MAJOR -

MT. CITY

Mike Hoffman supplied the Commission with copies of the Final Plat Review and the Final Plat. Mike then addressed the Board with an abbreviated presentation of the review. He read aloud the background of the proposed subdivision located approximately 1.5 miles north-east of MT City, MT off of Homestead Estates Road. He read aloud summarizing significant items under Findings of Fact:

1. Compliance with Jefferson Co. review process.
2. Compliance with Jefferson Co. Growth Policy and applicable zoning for the area.
5. Water supply of sufficient volume for effective fire control to be provided.

He then read aloud and summarized the significant Conditions of Approval:

1. Second time extension requirements if necessary.
3. Noxious weed management plan established in binding agreement with Jefferson Co.
5. Sanitary restrictions have been met.
6. Parkland dedication and responsibility of the homeowner's association.
7. Final Plat containing the proper certificates.
8. All proposed roads and approaches constructed or improved according to Jefferson Co. Road Standards. - Inspected by Joe Carter, Road Supervisor.
10. Final subdivision covenants and homeowners' association articles of incorporation and by-laws are signed, notarized, and in proper legal form - Reviewed by Jefferson Co. Attorney.
16. Fire fighting water supply system - Not inspected by the Fire dist Chief, but tested by Joe Carter, Jefferson Co. Road Supervisor and the engineer has verified that the system does work.
17. Location and installation of mail boxes - Approved by Joe Carter, Jefferson Co. Road Supervisor.

Mike stated that the staff recommendation was that the Commission grant final plat approval.

Commissioner Lythgoe asked why the County wasn't taking payment in-lieu- of in this case, and who owns the parkland? Mike explained that the developer has the option in the County regulations of either/or, and the homeowner's association owns the parkland. Commissioner Lythgoe said he didn't have a problem with it as long as the County didn't own it. Commissioner Weber asked why the Fire Dist. hadn't approved the fire system. Joe Carter addressed that question stating that he'd spoken to Rick Abraham the Fire Chief and that he had gone and opened the hydrants and that it was all functional according to him.

Commissioner Weber moved to grant final plat approval to the Country Meadows Estate / Blalock Major subdivision. Commissioner Lythgoe seconded the motion. The motion carried. The Commissioners signed the Final Plat.

ITEMS FOR COMMISSIONERS ACTION OR REVIEW

RESOLUTION 20-2009 OF INTENT TO CREATE THE SOUTH HOLMES GULCH RURAL MAINTENANCE DISTRICT.

It was found that the language in the resolution was incorrect and would need to be rewritten. It would be reagentized when that was done.

DISCUSS AND DECIDE ON APPROVAL OF SOLID WASTE DIST IMPLEMENTING CHARGE FOR TIRES AND BEETLE KILL TREES AT TRANSFER SITES.

Larry Olesky, Jefferson Co. Resident, addressed the Commission stating that he felt it was unfair to charge him for not using the transfer sites, and hauling beetle kill to the landfill location himself, and unloading himself. Commissioner Weber clarified that he isn't being charged for delivering to the landfill, but for hauling off the ash to the City-County landfill after it has been burned. Larry said he's not complaining about something he uses or imposes on the County like \$60 for a truck load of construction waste, but he didn't cause the trees to die, he is just trying to do what is right.

Gary Runckel, Jefferson Co. Resident, addressed the Commission stating he agreed with everything Larry had said, but that with this expense to get rid of beetle kill people will just start dumping it alongside the road or getting rid of it any way they can. He felt the proposed fee was unfair.

Ralph Dixon, Jefferson Co. Resident, addressed the Commission stating that he lives near the MT. City transfer station but hauls his beetle kill to the Boulder site. He said if he dumped it at the transfer site he could understand paying but not for delivering and unloading himself. He said they pay pretty good taxes for dump fees right now, and if they had to cut the hours the dump is open he wouldn't have a problem with that either. He agreed that this would lead to a problem in people dumping their tires and beetle kill anywhere just to get rid of it.

Commissioner Lythgoe then read aloud an email he received from Ronald and Yvonne Pearson voicing their opposition to the proposed fees, and asking it to be read into the record (Letter attached).

Commissioner Weber made a motion for the purpose of discussion amongst the Commissioners, to implement the charges as put forward by the Solid Waste Dept. for tires and woody waste. Commissioner Lythgoe seconded that motion. Commissioner Weber thought they should hear from the Solid Waste Manager. Joe Carter addressed the Commission thanking everyone who attended the Public Meetings they had regarding the fees. He explained that the Solid Waste budget just can't take the added expense of disposal without having to make this difficult decision that affects the public directly. He said he understood these are issues no one asked for, but they still must be dealt with in the most cost efficient manner. He said they've addressed all the options and held the public meetings for input. He said this district is an Enterprise District so they don't have extra funding resources available. He said if something doesn't change then they would have to start cutting employees and hours, and they are already short handed. He explained that they have a minimal budget and they aren't trying to make money off the fees. He said one weekend they had 14 containers of beetle kill when normally it would have been about 4, and they pay the tipping fees for those. Heather Powers, Office Manager for the Solid Waste Dist., addressed the Commission and the public stating this was not a decision that had been made lightly. She pointed out this has been publically agendized for discussion for over a year now. The Solid Waste Dist. put a lot of time and effort into researching options for the best way to handle the beetle kill. Some of those options were the implementation of a usage fee, bringing in a chipper which was extremely expensive and requiring more man hours, and increasing property taxes which didn't seem fair county wide. The Solid Waste Dist. considered the usage

fee the best option.

Commissioner Lythgoe asked the residents present where they lived. It was established that Larry and Gary lived in Jefferson City, and Ralph lived in MT City. He expressed his same concerns that people will stop cutting their beetle kill or that they will start burning on their own property causing even more of a hazard. He said he was having a problem with the whole fairness issue, and that spreading the cost out over the whole county through increased taxes seems as fair or even more fair. He went on to offer some alternatives including eliminating the dumping service to containers at transfer sites, and allowing delivery of beetle kill exclusively to Boulder or Whitehall where residents would unload themselves at no fee. Commissioner Weber agreed that it would cut costs to cut service but they had tried to avoid that.

Heather again addressed the Board admitting there are some responsible residents who would do the right thing, but stressing her concern that expecting people to haul to Boulder and Whitehall would cause many to go the easiest route; dumping their beetle kill anywhere just to get rid of it, or burning it on their own. There was some discussion on that matter and differences of opinion. Commissioner Lythgoe stated that he had received numerous phone calls regarding the matter and the majority just wanted a place to dump their trees. He said he didn't feel traveling was an issue for them. Heather stated that this is a continuing problem. She said the Solid Waste Board has come up with this solution for now, but would continue looking at other options. She commented that if they don't find a financial solution they will have to start closing sites and laying off employees. Commissioner Lythgoe brought up Madison Co. raising their fees county wide (not every one uses but everyone pays), and there was some discussion regarding that. He then said he didn't have a problem charging a fee for dumping the ash from burning but that shouldn't be nearly the amount of this proposed fee at \$10/cu.yd. for woody waste. Again he stressed that it seemed unfair to charge the people who bring their woody waste to Boulder and Whitehall where it is burned the same fee for dumping as those who use containers at the transfer site in MT City, and that an increase in the county wide fee seemed more fair. Commissioner Weber commented that the county probably wouldn't need the woody waste fee if they weren't hauling, and that the cost of hauling ash wouldn't bury them. He stated that the problem with a county wide fee is that it would continually be going up as the problem increases.

Commissioner Kirsch suggested requiring the delivery of woody waste to the Boulder and Whitehall sites be done on an experimental level to see if it works. Commissioner Weber commented that cutting service was never an option looked at by the Solid Waste Board. Bob Marks addressed the Board and stated that he agreed with doing something on a temporary basis, which doesn't necessarily mean a limited amount of time but to see if it works. He then stressed the importance of coming up with other solutions to the problem as well such as chipping for hog fuel. He felt it was important to put the refuse to some good use. Joe addressed the Board with a concern that with all that hauling it would be important to tarp their loads. He also said the best solution for the north end would be to have a dumping and burning site there, but that wasn't a possibility at this time.

Commissioner Kirsch brought up the option of letting people in to the Solid Waste sites to cut firewood. Joe said it was a liability issue, and though it was a good idea it would involve a lot of sorting by the site employees. He felt it was a better idea for those people with woody waste to offer it for firewood before it goes to a site. Commissioner Weber commented that the liability

issue was just too great. Heather commented that they have a limited area available at the Boulder site and it would require burning more often. She explained that the piles that are burned take time to completely go out, and nothing can be piled there until it does. She felt that with the limited area and increased burning the site would run out of space for burning. Commissioner Weber thought that they could permit for additional space, eliminating that problem.

Commissioner Weber reiterated his motion that the county implement the fees brought forward by the Solid Waste Dept. which would be \$10/cu. yd. for woody waste, and then the tires. A vote was taken. There was one vote for and two votes against. The motion did not carry.

It was discussed that the Solid Waste Dept. would have to make a decision regarding the options of a county wide fee, or to discontinue the dumping service at transfer sites. Commissioner Weber thought it should be the responsibility of the Board to make that decision. Commissioner Kirsch suggested that the transfer sites at MT. City, Jefferson City, Clancy, and Basin no longer accept woody waste at their sites. and that all that material should be brought to the Boulder and Whitehall sites only at no fee. Commissioner Weber pointed out that there was still the issue of fees for tire disposal to be addressed. Joe said he would like to see those two issues split from each other, and for the Board to implement the fees for the tires.

Commissioner Kirsch moved to accept that tire fee proposal at \$3.00 for passenger/light truck tires, \$7.00 for semi truck, and \$10.00 for tractor and equipment tires. Commissioner Weber seconded the motion. The motion carried.

It was discussed what procedure would be required to implement the adjustments to woody waste disposal. It was decided that the issue needed to go to Matt Johnson, Jefferson Co. Attorney, for his opinion and advice as to the proper procedure to follow for the implementation, and it would then be agendaized for the next available Commission meeting.

OPPORTUNITY FOR PUBLIC COMMENT

Bob Marks, Marks Miller Post & Pole, addressed the Board again, reiterating what he felt was important in the disposal of beetle kill. He felt that it is necessary for us all to work together to use the refuge for some useful purpose instead of just burning it at the Boulder and Whitehall dump sites. He gave examples of storage until a market for good use could be found as in chipping hog fuel for heating. He said he'd spoken to Congressman Rehberg's Representative, Maren Olsen, about it, and he thought the Forest Service might have some money available towards disposal efforts. Commissioner Weber stated that at the meeting with the B-D Forest Service Dist. they would be talking about the program the Forest Service is proposing for woody biomass for energy for Forest Service use, and that he'd sent grant information onto JLDC regarding grant stimulus money so they have that information too. Bob commented he felt Headwaters and others like them who can concentrate their efforts on a solution should be involved.

Marilyn McCauly addressed the Board bringing them up to speed on the Fair Grounds Bleacher project. She said she spoke to the engineer asking why there was such a discrepancy in what he said the cost would be and the \$48,000.00 bid they'd received. He'd called for the bids based on

telephone conversations and had not sent out the plans. She said it was mutually agreed not to accept the bid from Diamond Construction., but to put it out again through publication of the bid. It turns out they have to have the entire metal skeleton of the building to support the bleachers before the bleachers go up. She said the cost of just the metal structure would be about \$100,000.00. The cost of the cement work in the first phase will obviously be around \$50,000.00. So the whole project would come to \$150,000.00. She explained that they have \$20,000 in grant money and in-kind funds leaving them needing \$130,000 before the bleachers could go up.

Commissioner Weber explained that it had been his suggestion to bring this issue forward during the budget cycle to be talked about in the overall budget package. Marilyn stated that the Fair Board would like to put the project out for public bid so that they could get the cement work done by Fall. Commissioner Lythgoe said there was no point in addressing just the cement work because the existing bleachers would have to come down to do that. He said it was way more money than was originally suggested and it would be best to bring the whole cost up at budget time. He said with the increase in cost there were no guarantees but there was another option they might consider. Marilyn said there was a Tourism Grant she was looking into, but there were no guarantees there either.

MEETING ADJOURNED

Commissioner Weber moved to adjourn. Commissioner Kirsch seconded. The motion carried. The meeting was adjourned at 3:27PM.

COM:ch

BONNIE RAMEY
CLERK AND RECORDER

TOMAS E. LYTHGOE, CHAIR

KEN WEBER, COMMISSIONER

DAVE KIRSCH, COMMISSIONER